



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक—कोकण विभागीय पुरवणी

वर्ष १०, अंक १९]

गुरुवार, फेब्रुवारी २९, २०२४/फाल्गुन १०, शके १९४५

[पृष्ठे १८, किंमत : रुपये ११.००

असाधारण क्रमांक २७

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक २९ फेब्रुवारी, २०२४

सूचना

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६.

क्रमांक टिपीबी- ४३२०/३१४/प्र.क्र. १६२/२०२०/नवि-११.-ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करणेत आलेला आहे.) च्या तरतुदीनुसार बृहन्मुंबई महानगरपालिका त्यांचे अधिकार क्षेत्राकरिता (यापुढे ज्याचा उल्लेख "उक्त महानगरपालिका" असा करणेत आलेला आहे.) नियोजन प्राधिकरण आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३१, पोट-कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्र.टिपीबी-४३१७/६२९/प्र.क्र.११८/२०१७/वि.यो./नवि-११, दिनांक ८/०५/२०१८ (यापुढे ज्याचा उल्लेख "उक्त अधिसूचना" असा करणेत आलेला आहे) द्वारे बृहन्मुंबई प्रारूप विकास योजना-२०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ (यापुढे याचा उल्लेख "उक्त नियमावली" असा करणेत आलेला आहे) ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट-अ मध्ये दर्शविलेल्या सुधारणेसह मंजुरी दिली आहे. आणि ज्याअर्थी, शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुध्दीपत्रक दिनांक २२ जून २०१८ रोजी निर्गमित केले आहे; आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुध्दीपत्रक व पुरकपत्र दिनांक २९ जून, २०१८ रोजी पारित केले असून सदर शुध्दीपत्रक व पुरकपत्र **महाराष्ट्र शासनाच्या राजपत्रात** दिनांक ३० जून, २०१८ रोजी प्रसिध्द करण्यात आले आहे; आणि ज्याअर्थी, उक्त नियमावली दिनांक १ सप्टेंबर २०१८ पासून अंमलात आली आहे ;

आणि ज्याअर्थी, शासनाने दिनांक २१ सप्टेंबर २०१८ रोजीच्या अधिसूचनेद्वारे उक्त नियमावलीमधील सारभूत स्वरूपाचे बदल ईपी-१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजुरी प्रदान केली आहे;

आणि ज्याअर्थी, उक्त मंजुरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये टंकलेखनाच्या त्रुटी व चुका तसेच उक्त नियमावलीमधील काही तरतुदींच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे याकरिता शासनाने दिनांक १२ नोव्हेंबर २०१८ रोजी शुध्दीपत्रक निर्गमित केले आहे;

आणि ज्याअर्थी, उक्त नियमावलीमधील विनियम ३३(२३) 'ट्रान्झीट ओरियंटेड डेव्हलपमेंट' (यापुढे ज्याचा उल्लेख "टि.ओ.डी." असा करणेत आलेला आहे.); आणि ज्याअर्थी, शासनाने उक्त नियमावलीस उक्त अधिसूचनेद्वारे मंजुरी देताना उक्त नियमावलीचे विनियम

३३(२३) प्रलंबित ठेवण्यात आले होते. आणि ज्याअर्थी, टि.ओ.डी. संदर्भातील तरतुदी तयार करण्यात आल्या असून सदर तरतुदी उक्त नियमावलीमध्ये अंतर्भूत करणे आवश्यक आहे;

आणि ज्याअर्थी, वरील बाबी विचारात घेता, टि.ओ.डी. संदर्भातील तरतुदी उक्त नियमावलीचे विनियम ३३(२३) मध्ये अंतर्भूत करण्यासाठी सोबत जोडलेल्या परिशिष्टामध्ये दर्शविल्यानुसार उक्त नियमावलीमध्ये फेरबदल करणे सार्वजनिक हिताचे दृष्टीने आवश्यक आहे, अशी शासन नगरविकास विभागाची खात्री झाली आहे. (यापुढे याचा उल्लेख “प्रस्तावित फेरबदल” असा करणेत आलेला आहे).

आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करून, शासन याद्वारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट-कलम (१कक) चे खंड(क) नुसार कोणत्याही व्यक्तीकडून हरकती / सूचना मागविण्यासाठी तसेच संभाव्य बाधित होणाऱ्या व्यक्तींच्या माहितीसाठी सदर सूचना प्रसिद्ध करित आहे. शासनाकडून असेही कळविणेत येत आहे की, खालील परिशिष्टात नमूद प्रस्तावित फेरबदलाविषयी कोणत्याही हरकती/सूचना **महाराष्ट्र शासन राजपत्रात** सदर सूचना प्रसिध्द झाल्याच्या दिनांकापासून एक महिन्याच्या आत उप संचालक, नगररचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंट्स, ई-ब्लॉक, आज्ञाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. सदर प्राप्त हरकती / सूचनांवर सुनावणी देऊन तसेच लागू असेल त्याप्रमाणे उक्त महानगरपालिकेचे म्हणणे घेऊन त्यावरील अहवाल शासनास सादर करण्यासाठी उक्त अधिनियमाच्या कलम १६२(१) अन्वये उप संचालक, नगररचना, बृहन्मुंबई यांना शासनाचे वतीने “अधिकारी” म्हणून प्राधिकृत करण्यात येत असून त्यांच्याकडे सदरच्या कालावधीत प्राप्त होणाऱ्या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये कार्यवाही करण्यात येईल;

शासन याद्वारे उक्त अधिनियमाचे कलम १५४(१) अन्वये निर्देश देत आहे की, उक्त अधिनियमाचे कलम ३७(१कक) चे उपकलम (ग) अन्वये प्रस्तावित फेरबदलास शासन मान्यता प्रलंबित असेपर्यंत प्रस्तावित फेरबदल लगोलग अंमलात येईल.

उक्त अधिनियमाचे कलम ३७(१कक) अन्वये सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदा /नियम) या वेबसाईटवर देखील प्रसिध्द करण्यात यावी.

परिशिष्ट

(शासन नगर विकास विभागाकडील सूचना क्र. टिपीबी-४३२०/३१४/प्र.क्र.१६२/२०२०/ नवि-११, दिनांक २९ फेब्रुवारी २०२४ सोबतचे परिशिष्ट

Regulation 33(23) is to be added in Development Control and Promotion Regulations-2034 as follows :-

Regulation 33(23) TRANSIT ORIENTED DEVELOPMENT (TOD)

The BMC shall ensure execution of complete street design for the success of TOD and enable construction of street oriented buildings while achieving optimum densities in residential, commercial and office buildings.

The BMC shall also ensure maximum pedestrianisation in the TOD zones for easy movement of the pedestrians to & from the metro station within a period of 1 year from Sanction of this regulation and in accordance with this regulation.

1 Definitions

1. TOD Zone :- Is the area within 500 m around the boundary of the proposed Metro Rail station/ Mono Rail Station as specified in sub regulation 16 of this regulation as will be delineated by the Municipal Commissioner. The TOD zone shall be delineated on plan by the Municipal Commissioner in a time bound manner preferably within 2 months from the sanction of this regulation. MMRDA / MMRCL shall share resources and technical assistance required by BMC for site survey and plan preparation in time bound manner. On sanction of TOD plan by the Municipal Commissioner, the same shall be published on web site of BMC and a copy shall be submitted to the Director, Town Planning and Urban Development Department, Govt. of Maharashtra for information and shall be implemented accordingly. All the permissions for development/ within the sanctioned TOD areas shall be granted as per this regulation only save and except redevelopment schemes as contained in these regulations shall be developed in accordance with the principal regulation and additional FSI within the permissible limit as contained in this regulation may at the option of the project proponent be availed by the project proponents from the respective Planning Authority. In case the planning authority is other than BMC in the TOD area, then plans shall be approved by the respective planning authorities in accordance with this regulation and shall be submitted to the Municipal Commissioner for taking cognizance and ensuring the proper implementation of TOD.

2. Maximum Total Permissible FSI :- For the purpose of this regulation is the total permissible FSI in the TOD zone including the Principal FSI under the DCPR - 2034 and the TOD FSI, as given in the Table below :-

Sr. No.	Minimum Road width	Maximum Total Permissible FSI			
		Plot area upto 4000 Sqm	Plot area above 4000 Sqm and upto 10000 Sqm	Plot area above 10000 Sqm – 20000 sq.mt	Plot area above 20000 Sqm
(1)	(2)	(3)	(4)	(5)	(6)
1	9m	2.25	2.75	3.5	4.00
2	12m	2.5	3.5	4.0	4.50
3	18m	3.0	4.0	5.0	5.50
4	27m	3.5	5.0	6.5	7.00

Note .- Fungible compensatory area as permitted under Regulation 31(3) shall be over and above the FSI as contained in above table.

(a) Zonal (Basic) FSI :- For the purpose of this regulation, it is the FSI that is otherwise

permissible on any land with respect to zone shown as per the sanctioned development plan and the relevant provision of these regulations excluding the TDR and the premium FSI redevelopment incentive FSI or higher FSI permissible under any other provision of DCPR-2034 which is available on the plot under reference.

(b) Principal FSI : For the purpose of this regulation, principal FSI shall mean the FSI permissible under Table 12 (including Zonal FSI) and / or FSI permissible under any other regulation of the DCPR-2034 including FSI permissible under Regulation 33.

(c) TOD FSI : For the purpose of this regulation, TOD FSI shall mean the FSI permitted beyond the Principal FSI but within the Maximum Total Permissible FSI as contained in Table above.

2.1 Premium to be Paid - The permissible FSI as per Table 12, or higher FSI available under any other regulation in which the proposal is submitted, shall be utilized first and the TOD FSI over and above the same, under this regulation, shall be permitted on payment of premium at the rate of 50% of ASR for open developed land of FSI 1, subject to however that any scheme sanctioned under this regulation within 12 months of the sanction of this regulation shall be entitled to a 50% rebate on the premium payable including on fungible FSI thereon permitted under regulation 31(3) to promote early adoption of this regulation.

2.2 Impact Assessment and Integrated Mobility Plan :-

Such TOD FSI over and above the Principal FSI, shall be granted by the Municipal Commissioner, BMC from where the underground Metro Rail Line is passing through, subject to condition that the land proposed to be developed under this regulation is connected or proposed to be connected directly with the underground Metro Station by a vestibule of a minimum clear 3.5M width for pedestrian movement or more subject to a maximum length of 500 mtrs or less and further as may be determined by the MMRCL/ Metro Proponent and such a vestibule shall open directly into the land proposed to be developed under this regulation and further subject to the Impact Assessment of the impact on the city and sector level infrastructure and amenities as well as on traffic and environment and which Impact Assessment study shall be carried out by the project proponent. Such Impact Assessment shall also contain traffic simulation study and may contain measures to be undertaken to mitigate the impact if any and the Action Plan if any for implementation of such measures in a time bound manner. However, the cost of construction of the vestibule from the Metro Station upto the land proposed to be developed under this regulation shall be borne by the landowner / developer. In case the vestibule connecting the Metro Station passes through BMC Road / footpath, the BMC shall give its NOC for the same subject to the owner / developer bearing the cost of shifting any utilities. The same shall apply to any Road / Footpath on Government Land / MHADA Land / MMRDA Land / any Government Authority. However, in case the vestibule passes through any property other than Road / Footpath, the MMRCL / Metro Proponent shall obtain at the cost of the project proponent the NOC from the land owner so affected for construction of the vestibule. The project proponent shall only be entitled to avail the FSI under this regulation after signing of an agreement / MoU with Mumbai Metro Rail Corporation Ltd. (MMRCL). However, Occupation Certificate to the development shall only be granted after the actual vestibule connecting the land from the Metro Station is constructed and opened to public use. Necessary NOC to this effect shall be insisted by the BMC / Planning Authority from the MMRCL / Metro Proponent before grant of Occupation Certificate to the development undertaken as per this regulation.

The project proponent shall also prepare an Integrated Mobility Plan envisaging inter-linkages between different modes of mass transport, parking management, traffic management and pedestrianisation, non-motorized transport network, last mile connectivity, traffic calming, inter-connected street networking etc and submit the same to the BMC for its implementation by the BMC.

The impact assessment analysis shall be submitted by the project proponent along with the proposal for the TOD FSI to the BMC, containing the remedial measures if any required, regarding upgradation of infrastructure etc. taking into consideration the impact analysis and provisions of sanctioned Development Plan of such project falling in TOD Zone. Upon submission of the same and subject to the provisions of this regulation the BMC / Commissioner, shall upon satisfaction

that the development proposed in the TOD Zone using the TOD FSI shall not adversely affect the TOD Zone, shall sanction the TOD FSI and permit development of the proposal in the TOD Zone. In case the impact assessment study findings suggest an adverse impact but there are sufficient mitigation measures suggested to negate such adverse impact, then in such case also the Municipal Commissioner shall sanction the development proposed in the TOD Zone and the BMC shall in such cases undertake the mitigation by using the TOD FSI premium coming to BMC share. In case the development is proposed in areas where other special Planning Authority is empowered to approve the plan then in such a case the Municipal Commissioner shall scrutinise the proposal of the project proponent in the TOD Zone and upon the project meeting the condition of the regulation and further subject to payment of premium contained herein to BMC, direct the planning authority concerned to grant the TOD FSI and on receipt of such direction, the planning authority concerned shall approve the plan with such TOD FSI without insisting on payment of any premium. Upon approval of the plan the planning authority concerned shall forward the plans to BMC for updating the TOD Local area plan.

2.3 The Development of plots under combination of various regulations shall be permissible, but the total permissible FSI on plot shall not exceed the maximum total permissible FSI limit prescribed in this regulation or the higher permissible FSI in the DCPR whichever is more. Even if the FSI permissible under the respective regulation under which the proposal is submitted is higher than the FSI permissible in this regulation and the developer/ owner does not intend to use any FSI of this regulation, then also the proposal has to be in compliance with other provisions of this regulation and the TOD Local area plans.

2.4 In case of plot plots falling partly within the TOD zone, the FSI permissible shall be as follows, provided that the total area of the plot (plot falling within TOD zone plus plot falling outside TOD zone) shall be as prescribed in the table under Clause 2 :—

(i) Where 50% or more area of such plot / plots falls within TOD zone, this regulation including FSI shall apply to the total area of such plot / plots.

(ii) Where less than 50% area of such plot / plots falls within TOD zone, this regulation including FSI shall be applicable to the part of plot / plots falling within TOD zone, whereas for the part of plot / plots falling outside TOD zone, this regulation except provisions regarding FSI shall be applicable. The FSI permissible for the part falling outside TOD zone shall be as per DCPR.

Notwithstanding anything contained in any other provisions of these regulations, TDR may be allowed to be received on the plots within TOD zone, irrespective of its location in Gaothan area/ non-gaothan area as per the Development Plan of MCGM subject to the provision of Regulation 32 of DCPR.

3. Tenement Size

For any development or redevelopment of purely residential development within TOD zone using the TOD FSI, size of tenement constructed out of such FSI shall be minimum 27.88 sq.mt. of carpet area and out of total proposed tenements, the tenements equivalent to at least 20% of the maximum total permissible FSI (excluding fungible FSI) shall be of a size not more than the maximum tenement size prescribed by the Government for the Middle Income Group (MIG) except in respect of the projects in which rehabilitation of existing tenements is undertaken, In case of redevelopment scheme, size of tenement shall be relaxed for Rehab Component subject to other provisions of these regulations. However, for free sale component utilizing the TOD FSI, 50% of the TOD FSI shall be utilised for MIG tenements. These tenements shall not be allowed to be clubbed / amalgamated in any case.

In case of building with mixed use, 20% of the TOD FSI utilized for residential purpose shall be considered for calculating requirement of MIG tenements.

In case of ongoing proposals for which IOD/ LOI/ Offer Letter is granted by the concern planning authority, this provision shall be applicable only to the extent of FSI potential permissible under

this regulation over and above the Principal FSI under the respective provision under which the proposal is approved.

4. Permissible mixed use in TOD zone :

Mixed use in the form of residential and commercial may be permissible on the residential plot in TOD zone fronting on the road width of 12 mt. and above and mix use on plot / plots in commercial zone shall be permissible as per the provisions of DCPR and the total permissible FSI under these regulations shall be allowed in accordance with DCPR-2034. Purely Mercantile building & Information Technology building shall be permitted on independent plot subject to payment of premium as contained in these regulations.

5. Provisions regarding marginal open spaces shall be governed by the proposed height of structure. as given in the provisions 6 below. Other regulations regarding room sizes, apertures for light and ventilation shall be as per the relevant provisions of these regulations.

6. Marginal Spaces :

The marginal spaces in TOD Zone shall be provided as per the relevant provisions of these regulations.

Provided further that not with standing anything contained in any provision of these regulations, in case where throughfare access is proposed for pedestrian movement through side marginal open space around the building without construction of compound wall between the adjacent plots, then the open space available shall be considered as joint open space between the adjacent buildings. This provision shall be applicable only on the side margin where above criteria is fulfilled. The condition of allowing pedestrian access throughfare without compound wall shall be the perpetual condition and shall be incorporated in Occupation Certificate.

6.1 Car lift / mechanical parking shall be permissible, as per these regulations.

7. Parking

Parking in the TOD zone shall be provided upto 50% of the Parking requirement as per the relevant provisions of these regulations.

Note .-

(i) Parking spaces for differently able persons shall be provided as per Indian Road Congress Code No. IRC 103:2012 in each new construction / development / redevelopment in the TOD zone.

(ii) No on street parking shall be permissible, unless specifically allowed in the integrated mobility plan report.

(iii) For Parking area provided more than that given in this Regulation, the provisions of Regulation 44 of these regulations shall apply.

7.1 Incentive for providing Public Parking in the area falling within the TOD Zone

If the owner / developer of the plot falling within the TOD Zone is willing to provide Public Parking space over and above the parking spaces required as per sub-regulation No.7 of this regulation, the same shall be allowed without charging premium for such additional parking area and further, in such case the premium shall not be charged on FSI equivalent to 50 % of such parking area while calculating premium for additional FSI allowed under this regulation over and above the permissible FSI as per Table 12 of Regulation 30 of DCPR, subject to following conditions :-

(a) Such parking area shall be in the built-up form and shall be handed over to Planning Authority free of cost before granting the Occupation Certificate to the project. The Planning Authority shall enter into an agreement with owner / developer for such parking space at the time of granting Commencement Certificate to the project. Such Public Parking area shall be clearly shown on the proposed building plan / layout and a condition to above effect shall be incorporated in the Commencement Certificate.

(b) The parking area shall have independent access from public road adjacent to the plot and with proper entry and exits.

(c) The parking area to be made available at individual site shall be minimum 5 nos. at one place either at Ground floor / Stilt floor or first floor.

(d) The maximum parking area that can be provided shall be decided by the Commissioner, MCGM, as the case may be, on considering the location of such site and the parking requirement.

(e) A board showing the location of such public parking space should be displayed at suitable places by the Planning Authority.

(f) Area covered under such parking shall not be counted towards FSI consumption.

(g) Concerned land owner / developer / society / public company shall not be allowed to operate the public parking.

(h) The proposed development shall be further subject to such conditions as may be decided by the Municipal Commissioner.

8. In case of development or redevelopment, proposed by the Authority / individual applicant / any other Planning Authority, from the edge of the Metro/ Mono Rail station, within 20 mt. distance on its either side, the MCGM before granting such permission for development / redevelopment shall seek prior NOC from the concerned Metro Railway Authority as required under the Metro Railways (Construction of Works) Act, 1978 from the point of view of safety of the Metro Railway and such other related matters.

9. For the matters not provided in this regulation, the relevant provisions of these regulations shall apply. However, in case of any conflict between this Regulation and any other Regulation/s of these regulations, this Regulation shall prevail for the TOD zone.

10. No Compound wall / fencing shall be permissible on the boundary of plot facing the road and 50% front marginal distance (subject to minimum of 3.0 mt.) shall be kept accessible to the pedestrians to be used as foot paths. However, it shall be permissible for the applicant to construct / erect fencing, on the receded boundary, after leaving the space for pedestrians as specified above. No compound wall shall be constructed between the boundaries of two plots undertaken for development under this regulations for seamless connectivity of pedestrian movement. However, where there is no pedestrian movement proposed in the TOD plan, the compound wall upto 30 cm height may be allowed by Municipal Commissioner / Planning Authority. The Planning Authority shall demolish any existing walls constructed by the BMC / Planning Authority in all such TOD projects where a project under this regulation is approved.

11. Car dealer showrooms, warehouses / storages, auto service centers, and Garages shall not be permissible in TOD zone.

12. Provision of Amenities [(Regulation 14(A)], Inclusive Housing (Regulation 15) and development cess (Regulation 30(7)) shall not be applicable to projects undertaken under this regulation. However, in case the cost recovered by the MMRCL / Metro Proponent for construction of the vestibule as provided under this regulation from the project proponent is less than the applicable development cess under Regulation 30(7), then in such a case the project proponent shall be liable to pay the difference to the BMC before grant of Occupation Certificate to the development.

13. In case of independent unit / Bungalow for self use, such Development / Redevelopment may be allowed as per Regulation 30 at the option of owner.

14. The layout of building or standalone building on a plot / plots situated in TOD zone / Circle, over which works where IOD/IOA/LOI/Offer Letter has been issued or for ongoing partially completed works, started with due permission before this Regulation has come into force, the developer/ owner may continue to complete the said works in accordance with the conditions under which permission stood granted. However, the period of the development permission granted shall

not exceed that specified in section 48 of the MR & TP Act, 1966 or at the option of the owner/developer, the proposal can be converted as per this regulation.

Provided that in case the construction is completed but occupation certificate is not granted, may be allowed to utilize balance potential, if any, subject to structural stability criteria and as per the above provisions subject to following.

(a) Marginal Distance - The existing marginal distances including front margin may be allowed for higher floor / floors and necessary relaxation to that extent may be granted by the Municipal Commissioner subject to compliance of all fire requirements and fire NOCs by charging open space deficiency premium. The open space deficiency is to be decided by the Municipal Commissioner. In any case sanctioned existing marginal / front margin distance shall not be reduced.

(b) Parking - For the ongoing buildings, the requirement of parking as per this regulation shall be applicable for the balance building potential.

(c) Tenement size - For the ongoing buildings, the requirement of tenement size as per this regulation shall be applicable only for the balance building potential.

15. The proposals which are already completed and full occupation is already granted then it shall not be allowed to utilize additional FSI available under this regulation.

16. The Amount received as premium for additional FSI in TOD zone / circle shall be kept in separate head by the BMC and 50% amount of the TOD premium shall be Transferred to MMRCL / Urban Transport Fund for development of metro project or as per directives issued by Government from time to time.

17. TOD Areas declaration :

This TOD zone regulations shall be applicable for the TOD areas as contained in this regulations, for all stations of the underground Metro from Colaba to SEEPZ

18. TOD Zone local area planning

(a) On publication of this notice, BMC with the help of MMRDA, shall prepare the local area plans for TOD zones of each individual station areas by carrying out existing land use survey within 2 months. In case the preparation of plans is delayed beyond 2 months, then in such a case the BMC shall grant permission to the project proponent under this regulation subject to clause 2.2 of this regulation.

(b) The preparation of local area plans may be carried out in phases, and the plans for TOD area around stations where there is more available scope for development / redevelopment in near future shall be taken on priority as against the station where substantial development is already completed.

(c) The local area planning shall include the entry / exits, pathways, pedestrian movement, circulation paths for vehicles, buses, rikshaws, taxies, public parking spaces, bus stops, bicycle stands, etc. The guidelines in respects of aspects to be considered in local area plans may be issued by the government separately from time to time.

(d) While preparation of the local area plans, if any modifications are required in the sanctioned Development Plan like change/ deletion / addition of any amenity / reservation, change /addition / deletion / widening of any DP Road / existing Road, etc., then the proposal to this effect shall be submitted by BMC to government along with local area plan for sanction of the same.

(e) The local area plan will be sanctioned by the Municipal Commissioner and the copy of the same shall be published on website and submitted to Director, Town Planning and Urban Development Department for information alongwith the proposed modifications required in sanctioned DP, if any and further 50% of the TOD FSI premium collected by the BMC shall be

utilized for implementing the local area plan only. The BMC shall maintain a separate account for the same.

(f) Subject to Clause 18(a) above, it shall be mandatory to issue development permission by BMC/planning authority for any proposal in the TOD areas by taking cognizance of local area plan.

रत्नागिरी,
दिनांक २९ फेब्रुवारी २०२४.

निर्मलकुमार चौधरी,
उप सचिव.

URBAN DEVELOPMENT DEPARTMENT
Mantralaya, Mumbai 400 032, dated 29th February 2024

Notice

MAHARASTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No.TPB-4320/314/CR-162/2020/UD-11.—Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for the area within its jurisdiction (hereinafter referred to as “the said Corporation”) as per the provision of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”).

Whereas, in exercise of the powers conferred by sub-section (1) of Section 31 of the said Act, the State Government *vide* Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, dated 8th May 2018 (hereinafter referred to as “ the said Notification ”) has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as “the said Regulations”) with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dated 22nd June 2018 ; And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dated 29th June 2018 to the said Notification, which is published in *Government Gazette* dated 30th June 2018; And whereas, the said Regulations have come into force from 1st september 2018 ;

And whereas, the Government of Maharashtra *vide* Notification dated 21st September 2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the said Regulation ;

And whereas, the Government of Maharashtra *vide* Notification dated 12th November 2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of said Regulations for its proper interpretation;

And whereas, Regulation 33(23) of the said Regulations stipulate about ‘ Transit Oriented Development ’ (hereinafter referred to as “ TOD ”) and whereas, Regulation 33(23) of the said Regulations was kept in abeyance while sanctioning the said Regulations by Government *vide* said Notification; And whereas, the provisions regarding TOD have been formulated and are needed to be incorporated in the said Regulations ;

And whereas, considering the above, the Government in Urban Development Department is of the opinion that in the public interest, it is expedient to modify the said Regulations to incorporate the provisions of TOD in Regulation 33(23) of the said Regulations, as specifically described in the Schedule attached herewith (hereinafter referred to as “ the Proposed Modification”);

Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act; and of all other powers enabling it in this behalf, Government hereby publishes a Notice for inviting objections/ suggestions from any persons with respect to the Proposed Modification, as required by clause (a) of sub-section (1AA) of Section 37 of the said Act, for information of all persons likely to be affected thereby. The Government is further pleased to inform that any objections/ suggestions in respect of the Proposed Modification mentioned in the Schedule attached herewith may be forwarded, before the expiry of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*, (hereinafter referred to as “ the said period ”) to the Deputy Director of Town Planning., Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objections / suggestions, which may be received within the said period will be dealt with in accordance with the provisions of sub-section (1AA) of Section 37 of the said Act by the Deputy Director of Town Planning, Greater Mumbai, who is hereby authorised under Section 162(1) of the said Act as an “ officer ” on the behalf of Government to hear objections / suggestions which are received and say of the said Corporation, as the case may be and submit his report to the Government;

Further, the Government hereby issues directives under Section 154(1) of the said Act that, pending sanction to the Proposed Modification under clause (C) of Section 37(1AA) of the said Act by the Government, the Proposed Modification shall come into force forthwith.

This Notice under sub-section (1AA) of Section 37 of the said Act shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in (Acts/Rules)

Schedule

(Accompaniment to the Government in Urban Development Department's Notice
No.TPB- 4320/314/C.R.162/2020/UD-11, dated – 29th February, 2024.)

Regulation 33(23) is to be added in Development Control and Promotion Regulations-2034 as follows :—
Regulation 33(23) TRANSIT ORIENTED DEVELOPMENT (TOD)

The BMC shall ensure execution of complete street design for the success of TOD and enable construction of street oriented buildings while achieving optimum densities in residential, commercial and office buildings.

The BMC shall also ensure maximum pedestrianisation in the TOD zones for easy movement of the pedestrians to & from the metro station within a period of 1 year from Sanction of this regulation and in accordance with this regulation.

1 Definitions

1. TOD Zone :— Is the area within 500 m around the boundary of the proposed Metro Rail Station/ Mono Rail Station as specified in sub regulation 16 of this regulation as will be delineated by the Municipal Commissioner. The TOD zone shall be delineated on plan by the Municipal Commissioner in a time bound manner preferably within 2 months from the sanction of this regulation. MMRDA / MMRCL shall share resources and technical assistance required by BMC for site survey and plan preparation in time bound manner. On sanction of TOD plan by the Municipal Commissioner, the same shall be published on web site of BMC and a copy shall be submitted to the Director, Town Planning and Urban Development Department, Govt. of Maharashtra for information and shall be implemented accordingly. All the permissions for development/ within the sanctioned TOD areas shall be granted as per this regulation only save and except redevelopment schemes as contained in these regulations shall be developed in accordance with the principal regulation and additional FSI within the permissible limit as contained in this regulation may at the option of the project proponent be availed by the project proponents from the respective Planning Authority. In case the planning authority is other than BMC in the TOD area, then plans shall be approved by the respective planning authorities in accordance with this regulation and shall be submitted to the Municipal Commissioner for taking cognizance and ensuring the proper implementation of TOD.

2. Maximum Total Permissible FSI :- For the purpose of this regulation is the total permissible FSI in the TOD zone including the Principal FSI under the DCPR - 2034 and the TOD FSI, as given in the Table below :—

Sr. No.	Minimum Road width	Maximum Total Permissible FSI			
		Plot urea upto 4000 Sqm	Plot area above 4000 Sqm and upto 10000 Sqm	Plot area above 10000 Sqm – 20000 sq.mt	Plot area above 20000 Sqm
(1)	(2)	(3)	(4)	(5)	(6)
1	9m	2.25	2.75	3.5	4.00
2	12m	2.5	3.5	4.0	4.50
3	18 m	3.0	4.0	5.0	5.50
4	27m	3.5	5.0	6.5	7.00

Note :— Fungible compensatory area as permitted under Regulation 31(3) shall be over and above the FSI as contained in above table.

(a) Zonal (Basic) FSI: - For the purpose of this regulation, it is the FSI that is otherwise

permissible on any land with respect to zone shown as per the sanctioned development plan and the relevant provision of these regulations excluding the TDR and the premium FSI redevelopment incentive FSI or higher FSI permissible under any other provision of DCPR-2034 which is available on the plot under reference.

(b) Principal FSI : For the purpose of this regulation, principal FSI shall mean the FSI permissible under Table 12 (including Zonal FSI) and / or FSI permissible under any other regulation of the DCPR-2034 including FSI permissible under Regulation 33.

(c) TOD FSI : For the purpose of this regulation, TOD FSI shall mean the FSI permitted beyond the Principal FSI but within the Maximum Total Permissible FSI as contained in Table above.

2.1 Premium to be Paid .- The permissible FSI as per Table 12, or higher FSI available under any other regulation in which the proposal is submitted, shall be utilized first and the TOD FSI over and above the same, under this regulation, shall be permitted on payment of premium at the rate of 50% of ASR for open developed land of FSI 1, subject to however that any scheme sanctioned under this regulation within 12 months of the sanction of this regulation shall be entitled to a 50% rebate on the premium payable including on fungible FSI thereon permitted under regulation 31(3) to promote early adoption of this regulation.

2.2 Impact Assessment and Integrated Mobility Plan :-

Such TOD FSI over and above the Principal FSI, shall be granted by the Municipal Commissioner, BMC from where the underground Metro Rail Line is passing through, subject to condition that the land proposed to be developed under this regulation is connected or proposed to be connected directly with the underground Metro Station by a vestibule of a minimum clear 3.5M width for pedestrian movement or more subject to a maximum length of 500 mtrs or less and further as may be determined by the MMRCL/ Metro Proponent and such a vestibule shall open directly into the land proposed to be developed under this regulation and further subject to the Impact Assessment of the impact on the city and sector level infrastructure and amenities as well as on traffic and environment and which Impact Assessment study shall be carried out by the project proponent. Such Impact Assessment shall also contain traffic simulation study and may contain measures to be undertaken to mitigate the impact if any and the Action Plan if any for implementation of such measures in a time bound manner. However, the cost of construction of the vestibule from the Metro Station upto the land proposed to be developed under this regulation shall be borne by the landowner / developer. In case the vestibule connecting the Metro Station passes through BMC Road / footpath, the BMC shall give its NOC for the same subject to the owner / developer bearing the cost of shifting any utilities. The same shall apply to any Road / Footpath on Government Land / MHADA Land / MMRDA Land / any Government Authority. However, in case the vestibule passes through any property other than Road / Footpath, the MMRCL/ Metro Proponent shall obtain at the cost of the project proponent the NOC from the land owner so affected for construction of the vestibule. The project proponent shall only be entitled to avail the FSI under this regulation after signing of an agreement / MoU with Mumbai Metro Rail Corporation Ltd. (MMRCL). However, Occupation Certificate to the development shall only be granted after the actual vestibule connecting the land from the Metro Station is constructed and opened to public use. Necessary NOC to this effect shall be insisted by the BMC / Planning Authority from the MMRCL / Metro Proponent before grant of Occupation Certificate to the development undertaken as per this regulation.

The project proponent shall also prepare an Integrated Mobility Plan envisaging inter-linkages between different modes of mass transport, parking management, traffic management and pedestrianisation, non-motorized transport network, last mile connectivity, traffic calming, inter-connected street networking etc and submit the same to the BMC for its implementation by the BMC.

The impact assessment analysis shall be submitted by the project proponent along with the proposal for the TOD FSI to the BMC, containing the remedial measures if any required, regarding upgradation of infrastructure etc. taking into consideration the impact analysis and provisions of sanctioned Development Plan of such project falling in TOD Zone. Upon submission of the same

and subject to the provisions of this regulation the BMC / Commissioner, shall upon satisfaction that the development proposed in the TOD Zone using the TOD FSI shall not adversely affect the TOD Zone, shall sanction the TOD FSI and permit development of the proposal in the TOD Zone. In case the impact assessment study findings suggest an adverse impact but there are sufficient mitigation measures suggested to negate such adverse impact, then in such case also the Municipal Commissioner shall sanction the development proposed in the TOD Zone and the BMC shall in such cases undertake the mitigation by using the TOD FSI premium coming to BMC share. In case the development is proposed in areas where other special Planning Authority is empowered to approve the plan then in such a case the Municipal Commissioner shall scrutinise the proposal of the project proponent in the TOD Zone and upon the project meeting the condition of the regulation and further subject to payment of premium contained herein to BMC, direct the planning authority concerned to grant the TOD FSI and on receipt of such direction, the planning authority concerned shall approve the plan with such TOD FSI without insisting on payment of any premium. Upon approval of the plan the planning authority concerned shall forward the plans to BMC for updating the TOD Local area plan.

2.3 The Development of plots under combination of various regulations shall be permissible, but the total permissible FSI on plot shall not exceed the maximum total permissible FSI limit prescribed in this regulation or the higher permissible FSI in the DCPR whichever is more. Even if the FSI permissible under the respective regulation under which the proposal is submitted is higher than the FSI permissible in this regulation and the developer/ owner does not intend to use any FSI of this regulation, then also the proposal has to be in compliance with other provisions of this regulation and the TOD Local area plans.

2.4 In case of plot plots falling partly within the TOD zone, the FSI permissible shall be as follows, provided that the total area of the plot (plot falling within TOD zone plus plot falling outside TOD zone) shall be as prescribed in the table under Clause 2:-

(i) Where 50% or more area of such plot / plots falls within TOD zone, this regulation including FSI shall apply to the total area of such plot / plots.

(ii) Where less than 50% area of such plot / plots falls within TOD zone, this regulation including FSI shall be applicable to the part of plot / plots falling within TOD zone, whereas for the part of plot / plots falling outside TOD zone, this regulation except provisions regarding FSI shall be applicable. The FSI permissible for the part falling outside TOD zone shall be as per DCPR.

Notwithstanding anything contained in any other provisions of these regulations, TDR may be allowed to be received on the plots within TOD zone, irrespective of its location in Gaothan area/ non-gaothan area as per the Development Plan of MCGM subject to the provision of Regulation 32 of DCPR.

3. Tenement Size

For any development or redevelopment of purely residential development within TOD zone using the TOD FSI, size of tenement constructed out of such FSI shall be minimum 27.88 sq.mt. of carpet area and out of total proposed tenements, the tenements equivalent to at least 20% of the maximum total permissible FSI (excluding fungible FSI) shall be of a size not more than the maximum tenement size prescribed by the Government for the Middle Income Group (MIG) except in respect of the projects in which rehabilitation of existing tenements is undertaken, In case of redevelopment scheme, size of tenement shall be relaxed for Rehab Component subject to other provisions of these regulations. However, for free sale component utilizing the TOD FSI, 50% of the TOD FSI shall be utilised for MIG tenements. These tenements shall not be allowed to be clubbed / amalgamated in any case.

In case of building with mixed use, 20% of the TOD FSI utilized for residential purpose shall be considered for calculating requirement of MIG tenements.

In case of ongoing proposals for which IOD/ LOI/ Offer Letter is granted by the concern planning authority, this provision shall be applicable only to the extent of FSI potential permissible under this regulation over and above the Principal FSI under the respective provision under which the proposal is approved.

4. Permissible mixed use in TOD zone :-

Mixed use in the form of residential and commercial may be permissible on the residential plot in TOD zone fronting on the road width of 12 mt. and above and mix use on plot / plots in commercial zone shall be permissible as per the provisions of DCPR and the total permissible FSI under these regulations shall be allowed in accordance with DCPR-2034. Purely Mercantile building & Information Technology building shall be permitted on independent plot subject to payment of premium as contained in these regulations.

5. Provisions regarding marginal open spaces shall be governed by the proposed height of structure. as given in the provisions 6 below. Other regulations regarding room sizes, apertures for light and ventilation shall be as per the relevant provisions of these regulations.

6. Marginal Spaces :-

The marginal spaces in TOD Zone shall be provided as per the relevant provisions of these regulations :

Provided further that not with standing anything contained in any provision of these regulations, in case where throughfare access is proposed for pedestrian movement through side marginal open space around the building without construction of compound wall between the adjacent plots, then the open space available shall be considered as joint open space between the adjacent buildings. This provision shall be applicable only on the side margin where above criteria is fulfilled. The condition of allowing pedestrian access throughfare without compound wall shall be the perpetual condition and shall be incorporated in Occupation Certificate.

6.1 Car lift / mechanical parking shall be permissible, as per these regulations.

7. Parking

Parking in the TOD zone shall be provided upto 50% of the Parking requirement as per the relevant provisions of these regulations.

Note :-

(i) Parking spaces for differently able persons shall be provided as per Indian Road Congress Code No. IRC 103:2012 in each new construction / development / redevelopment in the TOD zone.

(ii) No on street parking shall be permissible, unless specifically allowed in the integrated mobility plan report.

(iii) For Parking area provided more than that given in this Regulation, the provisions of Regulation 44 of these regulations shall apply.

7.1 Incentive for providing Public Parking in the area falling within the TOD Zone

If the owner / developer of the plot falling within the TOD Zone is willing to provide Public Parking space over and above the parking spaces required as per sub-regulation No.7 of this regulation, the same shall be allowed without charging premium for such additional parking area and further, in such case the premium shall not be charged on FSI equivalent to 50 % of such parking area while calculating premium for additional FSI allowed under this regulation over and above the permissible FSI as per Table 12 of Regulation 30 of DCPR, subject to following conditions:-

(a) Such parking area shall be in the built-up form and shall be handed over to Planning Authority free of cost before granting the Occupation Certificate to the project. The Planning Authority shall enter into an agreement with owner / developer for such parking space at the time of granting Commencement Certificate to the project Such Public Parking area shall

be clearly shown on the proposed building plan / layout and a condition to above effect shall be incorporated in the Commencement Certificate.

(b) The parking area shall have independent access from public road adjacent to the plot and with proper entry and exits.

(c) The parking area to be made available at individual site shall be minimum 5 nos. at one place either at Ground floor / Stilt floor or first floor.

(d) The maximum parking area that can be provided shall be decided by the Commissioner, MCGM, as the case may be, on considering the location of such site and the parking requirement.

(e) A board showing the location of such public parking space should be displayed at suitable places by the Planning Authority.

(f) Area covered under such parking shall not be counted towards FSI consumption.

(g) Concerned land owner / developer / society / public company shall not be allowed to operate the public parking.

(h) The proposed development shall be further subject to such conditions as may be decided by the Municipal Commissioner.

8. In case of development or redevelopment, proposed by the Authority / individual applicant / any other Planning Authority, from the edge of the Metro/ Mono Rail station, within 20 mt. distance on its either side, the MCGM before granting such permission for development / redevelopment shall seek prior NOC from the concerned Metro Railway Authority as required under the Metro Railways (Construction of Works) Act, 1978 from the point of view of safety of the Metro Railway and such other related matters.

9. For the matters not provided in this regulation, the relevant provisions of these regulations shall apply. However, in case of any conflict between this Regulation and any other Regulation/s of these regulations, this Regulation shall prevail for the TOD zone.

10. No Compound wall / fencing shall be permissible on the boundary of plot facing the road and 50% front marginal distance (subject to minimum of 3.0 mt.) shall be kept accessible to the pedestrians to be used as foot paths. However, it shall be permissible for the applicant to construct / erect fencing, on the receded boundary, after leaving the space for pedestrians as specified above. No compound wall shall be constructed between the boundaries of two plots undertaken for development under this regulations for seamless connectivity of pedestrian movement. However, where there is no pedestrian movement proposed in the TOD plan, the compound wall upto 30 cm height may be allowed by Municipal Commissioner / Planning Authority. The Planning Authority shall demolish any existing walls constructed by the BMC / Planning Authority in all such TOD projects where a project under this regulation is approved.

11. Car dealer showrooms, warehouses / storages, auto service centers, and Garages shall not be permissible in TOD zone.

12. Provision of Amenities [(Regulation 14(A)], Inclusive Housing (Regulation 15) and development cess (Regulation 30(7)) shall not be applicable to projects undertaken under this regulation. However, in case the cost recovered by the MMRCL / Metro Proponent for construction of the vestibule as provided under this regulation from the project proponent is less than the applicable development cess under Regulation 30(7), then in such a case the project proponent shall be liable to pay the difference to the BMC before grant of Occupation Certificate to the development.

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which permission stood granted. However, the period of the development permission granted shall not exceed that specified in section 48 of the MR & TP Act, 1966 or at the option of the owner/developer, the proposal can be converted as per this regulation.

Provided that in case the construction is completed but occupation certificate is not granted, may be allowed to utilize balance potential, if any, subject to structural stability criteria and as per the above provisions subject to following.

(a) Marginal Distance - The existing marginal distances including front margin may be allowed for higher floor / floors and necessary relaxation to that extent may be granted by the Municipal Commissioner subject to compliance of all fire requirements and fire NOCs by charging open space deficiency premium. The open space deficiency is to be decided by the Municipal Commissioner. In any case sanctioned existing marginal / front margin distance shall not be reduced.

(b) Parking - For the ongoing buildings, the requirement of parking as per this regulation shall be applicable for the balance building potential.

(c) Tenement size - For the ongoing buildings, the requirement of tenement size as per this regulation shall be applicable only for the balance building potential.

15. The proposals which are already completed and full occupation is already granted then it shall not be allowed to utilize additional FSI available under this regulation.

16. The Amount received as premium for additional FSI in TOD zone / circle shall be kept in separate head by the BMC and 50% amount of the TOD premium shall be Transferred to MMRCL / Urban Transport Fund for development of metro project or as per directives issued by Government from time to time.

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18. TOD Zone local area planning

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(b) The preparation of local area plans may be carried out in phases, and the plans for TOD area around stations where there is more available scope for development / redevelopment in near future shall be taken on priority as against the station where substantial development is already completed.

(c) The local area planning shall include the entry / exits, pathways, pedestrian movement, circulation paths for vehicles, buses, rikshaws, taxis, public parking spaces, bus stops, bicycle stands, etc. The guidelines in respects of aspects to be considered in local area plans may be issued by the government separately from time to time.

(d) While preparation of the local area plans, if any modifications are required in the sanctioned Development Plan like change/ deletion / addition of any amenity / reservation, change /addition / deletion / widening of any DP Road / existing Road, etc., then the proposal to this effect shall be submitted by BMC to government along with local area plan for sanction of the same.

(e) The local area plan will be sanctioned by the Municipal Commissioner and the copy of the same shall be published on website and submitted to Director, Town Planning and Urban Development Department for information alongwith the proposed modifications required in sanctioned DP, if any and further 50% of the TOD FSI premium collected by the BMC shall be

utilized for implementing the local area plan only. The BMC shall maintain a separate account for the same.

(f) Subject to Clause 18(a) above, it shall be mandatory to issue development permission by BMC/planning authority for any proposal in the TOD areas by taking cognizance of local area plan.

By order and in the name of the Governor of Maharashtra,

NIRMALKUMAR CHAUDHARI,
Deputy Secretary to Government.